

रजिस्टर्ड नं० पी०/एस० एम० 14.



राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

जिमला, वीरवार, 19 अक्तूबर, 1978/27 आश्विन, 1900

हिमाचल प्रदेश सरकार

LAW DEPARTMENT

NOTIFICATIONS

Simla-2, the 19th October, 1978

No. LLR-D (6)28/78.—The Himachal Pradesh Panchayati Raj (Amendment) Bill, 1978 (Bill No. 19 of 1978) after having received the assent

1402 असाधारण राजपत्र, हिमाचल प्रदेश, 19 अक्तूबर, 1978/27 आश्विन, 1900

of the Governor of Himachal Pradesh on the 9th October, 1978 is hereby published in the Rajpatra, Himachal Pradesh as Act No. 33 of 1978 for the information of general public.

Act No. 33 of 1978.

**THE HIMACHAL PRADESH PANCHAYATI RAJ
(AMENDMENT) ACT, 1978**

AN
ACT

*further to amend the Himachal Pradesh Panchayati Raj Act, 1968
(Act No. 19 of 1970).*

It is hereby the Legislative Assembly of Himachal Pradesh in the Twenty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Himachal Pradesh Panchayati Raj (Amendment) Act, 1978.

Short title
and com-
mencement.

(2) It shall come into force at once.

19 of 1970

2. For existing clause(s) of sub-section (1) of section 3 of the Himachal Pradesh Panchayati Raj Act, 1968 (hereinafter called "the principal Act") the following clause (s) shall be substituted, namely:—

Amendment
of section 3.

"(s) 'Panch' means a member of Gram Panchayat elected, appointed or co-opted under this Act and includes a Pradhan or Up-Pradhan;"

3. For existing sub-section (3) of section 5 of the principal Act, the following sub-section (3) shall be substituted, namely:—

Amendment
of section 5.

"(3) Every person who has attained the age of eighteen years on the qualifying date and ordinarily resides in a village which forms a part of the Sabha area for a period of one year immediately before the qualifying date and whose name is registered in the register of members, to be prepared and maintained by the Gram Panchayat in the prescribed manner, shall be a member of that Gram Sabha:

Provided that no person shall be entitled to be registered in the register of members in more than one Gram Sabha:

Provided further that a person who,—

- (a) is not a citizen of India; or
- (b) is of unsound mind and stands so declared by a competent court; or
- (c) is for the time being disqualified from voting under the provisions of any law relating to corrupt practices and other offences in connection with elections;

shall not be entitled to be registered as a member of the Gram Sabha. The name of any person who becomes so disqualified after registration shall forthwith be struck off from the register of members in which it is included.

Explanation I.—The expression “qualifying date” in relation to the preparation or the revision of every register of members under the Act, or the rules framed thereunder, means the 31st day of December of the preceding year of the year in which the register of members is so prepared or revised.

Explanation II.—(a) A person absenting himself temporarily from his place of ordinary residence shall not by reason thereof cease to be ordinarily resident therein.

(b) A person shall not be deemed to be ordinarily resident in a Sabha area on the ground only that he owns, or is in possession of, a dwelling house therein.”

Amendment
of section 9.

4. For the sign full stop “.” occurring at the end of third proviso to sub-section (1) of section 9 of the principal Act, the sign colon “:” shall be substituted and thereafter the following proviso shall be added, namely,—

“Provided further that in case there is,—

(a) no scheduled caste population; or

(b) no eligible person belonging to a scheduled caste, to be chosen or co-opted as a Panch of the Gram Panchayat;

neither any seat shall be reserved for scheduled caste nor any person belonging to scheduled caste shall be co-opted as a Panch.”

Amendment
of section 74.

5. In sub-section (2) of section 74 of the principal Act,—

(a) the sign “.” shall be substituted for the sign “:” occurring after the words “in the same manner”; and

(b) existing proviso shall be omitted.

Repeal and
savings.

6. The Himachal Pradesh Panchayati Raj (Amendment) Ordinance, 1978 is hereby repealed:

Provided that anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act, as if this Act had commenced on the 6th June, 1978.

Simla-2, the 19th October, 1978

No. LLR-D (6) 26/78.—The Himachal Pradesh Tractor Cultivation (Recovery of Charges) (Amendment) Bill, 1978 (Bill No. 17 of 1978) after having received the assent of the Governor of Himachal Pradesh on the 9th October, 1978 is hereby published in the Rajpatra, Himachal Pradesh as Act No. 34 of 1978 for the information of general public.

JAI CHAND MALHOTRA,
Secretary.

Act No. 34 of 1978.

**THE HIMACHAL PRADESH TRACTOR CULTIVATION
(RECOVERY OF CHARGES) (AMENDMENT) ACT, 1978**

AN

ACT

to amend the Himachal Pradesh Tractor Cultivation (Recovery of Charges) Act, 1973 (Act No. 16 of 1973).

It is hereby enacted by the Legislative Assembly of Himachal Pradesh in the Twenty-ninth Year of the Republic of India, as follows:—

1. (1) This Act may be called the Himachal Pradesh Tractor Cultivation (Recovery of Charges) (Amendment) Act, 1978.

Short title
and com-
mencement.

(2) It shall come into force at once.

2. For existing clause (b) of section 2 of the Himachal Pradesh Tractor Cultivation (Recovery of Charges) Act, 1973, the following clause (b) shall be substituted, namely:—

Amendment
of section 2.

“(b) “Director” means the Director of Agriculture, Himachal Pradesh and includes any other officer so empowered by the State Government in this behalf;”.

